

1 BARRY J. PORTMAN  
Federal Public Defender  
2 JOHN PAUL REICHMUTH  
Assistant Federal Public Defender  
3 555 - 12th Street  
Suite 650  
4 Oakland, CA 94607-3627  
Telephone: (510) 637-3500  
5  
Counsel for Defendant DIAZ CARRILLO  
6  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,	)	No. CR-09-01076-PJH
	)	
12 Plaintiff,	)	STIPULATION TO CONTINUE;
	)	<del>PROPOSED</del> ORDER CONTINUING
13 vs.	)	CASE AND EXCLUDING TIME UNDER
	)	THE SPEEDY TRIAL ACT
14 ARTURO DIAZ CARRILLO,	)	
	)	
15 Defendant.	)	
_____	)	
16		

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the  
18 TRIAL OR MOTIONS SETTING OR DISPOSITION HEARING date of June 28, 2010  
19 presently scheduled at 10:00 a.m., before the Hon. Donna M. Ryu, be vacated and re-set for  
20 July 29, 2010 at 9:30 a.m., before the Oakland Duty Magistrate, for TRIAL OR MOTIONS  
21 SETTING OR DISPOSITION HEARING.

22 The reason for this request is that defense counsel is presently reviewing the provided  
23 discovery, and needs additional time to investigate and analyze it. Further, defense counsel  
24 will be out on family-related leave for up to two weeks in the first half of July.

25 The parties agree and stipulate that the time until July 29, 2010 should be excluded,  
26 under 18 U.S.C. §3161(h)(7)(A) and (B)(4) because the ends of justice served by the granting

1 of the continuance outweigh the best interests of the public and the defendant in a speedy and  
2 public trial. The continuance is necessary to accommodate counsel's preparation efforts and  
3 continuity of counsel.

4  
5 Date 6/25/10 /s/  
6 John Paul Reichmuth  
7 Assistant Federal Public Defender  
8 Counsel for defendant DIAZ CARRILLO

9 Date 06/28/10 /s/  
10 Trevor L. Rusin  
11 Assistant United States Attorney

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ John Paul Reichmuth  
Counsel for Defendant Diaz-Carrillo

ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts and continuity of counsel. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to July 29, 2010 at 9:30 a.m., before the Oakland Duty Magistrate, and that time is excluded from June 28, 2010 until July 29, 2010 pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(4).

IT IS SO ORDERED.

June 28, 2010

Date



HON. DONNA M. RYU  
UNITED STATES MAGISTRATE JUDGE